

IN THE SUPREME COURT OF IOWA

**ENVIRONMENTAL LAW AND
POLICY CENTER, IOWA
ENVIRONMENTAL
COUNCIL and SIERRA CLUB,
Petitioners-Appellants,
vs.**

**IOWA UTILITIES BOARD,
Respondent-Appellee,**

and

**MIDAMERICAN ENERGY
COMPANY,
Intervenor-Appellee,**

and

**OFFICE OF THE CONSUMER
ADVOCATE,
Intervenor.**

SUPREME COURT NO. 22-0385

**APPELLEE IOWA UTILITIES
BOARD'S MOTION FOR
EXTENSION OF TIME
AND CLARIFICATION**

COMES NOW, Respondent-Appellee Iowa Utilities Board (Board), and respectfully submits its Motion for Extension of Time and Clarification and states the following:

1. On August 1, 2022, Iowa Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a motion for leave of this Court to allow OCA to file a reply brief in support of appellants.

2. On August 5, 2022, the Honorable Christopher McDonald issued an order denying OCA's motion for leave to file a reply brief and also striking OCA's Proof Brief

and Designation of Parts. The order also required appellees to file amended proof briefs within 10 days of the date of the August 5, 2022 order and allowed appellants to file an amended proof reply brief within 7 days of the date appellees file their amended proof briefs.

3. On August 9, 2022, OCA requested the Iowa Supreme Court review and reverse the denial of OCA's motion pursuant to Iowa R. App. P. 6.1002(5) or, alternatively, grant OCA leave to recast its Proof Brief as an Amicus Curiae Brief, pursuant to Iowa R. App. P. 6.906(1).

4. The Board acknowledges it has consented to allow OCA recast its Proof Brief as an Amicus Curiae Brief.

5. Given OCA's outstanding motion, the Board respectfully requests the Court grant an extension of time for the Board and other appellees to submit their amended proof briefs, **currently due on Monday, August 15, 2022**, as changes to the proof briefs may be based, in part, on the Court granting or denying OCA's outstanding Motion or allowing OCA to recast its Proof Brief as an Amicus Curiae Brief.

6. The Board also requests clarification of whether corrections need to be made to the proof appendix and requests an updated schedule for the submission of all remaining filings, including proof briefs, final briefs, proof appendix (if necessary), and final appendix.

WHEREFORE, the Appellee Iowa Utilities Board respectfully requests this Court grant its Motion for Extension of Time and Clarification.

Respectfully submitted,

/s/ Jon Tack

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**ATTORNEYS FOR RESPONDENT-
APPELLEE IOWA UTILITIES BOARD**

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies she electronically filed the foregoing Iowa Utilities Board's Motion for Extension of Time and Clarification on August 11, 2022, in EDMS, which will send notice of this filing to all parties and attorneys of record.

<u>/s/ Kim R. Snitker</u>	<u>8/11/22</u>
Signature	Date